

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

Plaintiff,

vs.

REALNETWORKS, INC., and  
LISTEN.COM.,

Defendants.

No. C 03-5085 WWS (MEJ)

**ORDER RESERVING JUDGMENT ON  
MOTION TO COMPEL DE-DESIGNATION  
OF EVIDENCE AS CONFIDENTIAL  
PENDING THE OUTCOME OF  
DEFENDANT'S MOTION TO DISMISS  
CURRENTLY BEFORE JUDGE  
SCHWARZER**

On March 8, 2006, the parties submitted a joint letter brief regarding Defendant's request to de-designate evidence confidential. On March 30, 2006, the Court held a hearing on the matter. Based on the documents submitted to the Court and oral arguments at the hearing, the Court HEREBY RESERVES JUDGMENT on the matter pending the outcome of Defendant's Motion to Dismiss, currently before Judge Schwarzer.

IT IS SO ORDERED.

Dated: March 30, 2006

  
\_\_\_\_\_  
MARIA ELENA JAMES  
United States Magistrate Judge